

STATE OF NEW HAMPSHIRE
Inter-Department Communication

DATE: February 19, 2015

AT (OFFICE): NHPUC

NHPUC 19FEB'15PM3:26

FROM: Rorie E. Patterson, Staff Attorney *REP*

SUBJECT: DW 14-285 Lakes Region Water Company, Inc.
Long-term Financing Approval

TO: Martin P. Honigberg, Chairman
Robert R. Scott, Commissioner

CC: Debra A. Howland, Executive Director
F. Anne Ross, General Counsel
Mark A. Naylor, Director, Gas and Water Division
Jayson Laflamme, Utility Analyst

Order nisi No. 25,723 (January 13, 2015) required Lakes Region Water Company, Inc., to file an affidavit of publication on or before February 11, 2015. On January 30, 2015, the company sent an email to Lynn Hanson, a member of Commission Staff (Staff), enclosing a copy of an affidavit of publication. On February 13, 2015, the company filed a Motion to Extend Filing Date for Affidavit of Publication, as the email enclosing the affidavit did not comply with the requirements for filings in Puc 203.02.

Puc 202.04 allows the Commission to extend a deadline if the circumstances - absent an extension - would cause undue hardship or inconvenience, and the extension does not delay the proceeding or adversely affect the rights of any party. The rule, however, requires the filing of a deadline extension request before the expiration of the deadline. Lakes Region filed its request two days after the deadline expired.

Puc 201.05 requires the Commission to waive the provisions of any of its rules if it finds that the waiver serves the public interest, and the waiver will not disrupt the orderly and efficient resolution of matters before the Commission. In determining the public interest, the Commission shall waive a rule if compliance with the rule would be onerous given the circumstances of the affected person. *Id.*

Compliance with the Puc 202.04 requirement for filing the extension request before the deadline expires is not possible. Granting the waiver of that requirement will serve the public interest and will not disrupt the orderly and efficient resolution of any matters before the Commission. Given the circumstances, particularly the fact that the Company accomplished timely publication of the Commission's order, the Staff recommends that the Commission waive the requirement for the filing of the company's extension request, before the expiration of the deadline, and accept the company's late-filed motion to extend the filing deadline.

Denial of the deadline extension request would cause undue hardship or inconvenience to the company, its customers and the Commission, as it would necessitate the re-issuance and re-publication of the Commission's order. Also, the extension does not delay the proceeding or adversely affect the rights of any party. Consequently, Staff recommends that the Commission grant the company's motion to extend the filing deadline and accept the late-filed affidavit of publication.

Please contact me with any questions. Thank you.